

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Bunkei MATSUOKA et al.

Application No.: 10/582,862

Confirmation No.: 5958

Filed: June 14, 2006

Art Unit: 2615

For: SPEAKER-CHARACTERISTIC
COMPENSATION METHOD FOR MOBILE
TERMINAL DEVICE

Examiner: George Monikang

**PETITION UNDER 37 CFR 1.181
PETITION TO DIRECTOR WITH A REQUEST TO RESET PERIOD
FOR REPLY OF OFFICE ACTION DATED MAY 4, 2007 DUE TO
USPTO ERROR IN RECEIVING THE OFFICE ACTION**

MS Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request the resetting of the time period for the Office Action dated May 4, 2007.

Applicants' representative, Birch, Stewart, Kolasch and Birch (BSKB) are part of the Electronic Office Action Pilot Program. Under normal circumstances, an e-mail is sent for each Office Action to BSKB informing them of the Office Action.

In the current circumstances, two (2) outgoing correspondences a PG Pub and a May 4th Office Action were received one day apart in the PTO system. The PTO system sent BSKB an e-mail notification of the PG Pub on the 5th of May but not the Office Action. When pulling the PG Pub from Pair on the 5th of May, the Office Action was not yet available and thus BSKB did

not see it and thus unaware that an Office Action had been issued. Apparently the Office Action was then made available on the 6th of May; however, a subsequent e-mail was never sent which would have been the normal procedure for the Electronic Office Action Program.

BSKB only found out about the Office Action after a review of Pair on August 1, 2007. Upon finding out about the Office Action, the time period for responding was only 3 days. Therefore, due to a PTO error, applicants have not been afforded proper time to respond to the outstanding Office Action.

This issue was discussed with Tony Uranga of the Search and Information Resource Administration at the USPTO. Tony stated that this was an error in the current system at the USPTO caused by the system only looking to the application number and not to the document level itself. Tony stated that this error will be corrected in the next version of the Electronic Office Action Program but at the moment this error is the responsibility of the USPTO.

As stated above, applicants did not receive the Office Action under the proper procedures under the new Electronic Office Action Pilot Program which was caused by an error on the part of the United States Patent and Trademark Office. Thus, applicants respectfully request the resetting of the Office Action time period for the May 4, 2007 Office Action to afford applicants the proper time period to prepare a response to said Office Action.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: August 9, 2007

Respectfully submitted,

By 
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